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| 09/917,120 | 07/27/2001 | Scott Fergusson | 1137.1101101 | 2233 |
| 28075 7590 03/21/2007 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420 | | | EXAMINER FELTEN, DANIEL S | |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/917,120
Filing Date: July 27, 2001
Appellant(s): FERGUSSON, SCOTT

Brian N. Tufte
(Reg. No. 38,638)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/04/2006 appealing from the Office action mailed
12/05/2005

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|-------------|--------|
| 6,108,641 | KENNA et al | 8-2000 |
| 6,408,282 | BUIST | 6-2002 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenna et al (US 6,108, 641) in view of Buist (US 6,408,282). The teaching of Kenna have been discussed in the office action dated November 14, 2002.

Re to claim 1 and 16: Kenna fails to disclose a display means for simultaneously displaying selected account items from the accounts identified by two or more links of the first data structure. Kenna discloses a computer system for managing a plurality of accounts where each of the accounts being separated into sub-accounts as a subset of features corresponding to the specific needs dictated by the purpose of the sub-account. the main purpose it so that individuals can concisely and clearly understand the value of their assets (see col. 3, ll. 31+).

Buist discloses a system and method or preferred embodiment supports trading securities over the internet using a display means (GUI) for simultaneously displaying selected account items from the accounts identified by two or more links of the first data structure (see Buist col.

26, lines 35-55). It would have been obvious for one of ordinary skill in the art to modify kenna to provide a display for simultaneously displaying selected account items because such modification would have made visualizing master accounts and sub-accounts easier to understand the value of their assets by allowing a full view of related accounts. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

As in claim 6, Buist also provides various links which are associated with and identifies with first data structure

As to claims 1, 9, 10 and new claim 50, Buist shows combination of or related account items (see Buist col. 11, ll. 54+);

As in claims 34, Buist teaches output devices (see Buist col. 7, 30+)

As in claim 36. (see Buist, col. 6, ll. 18+)

As in claim 37 and 41, are no longer patentable in view of Buist (see Buist Abstract)

As in claim 42, Buist teaches the storing of account information and a browser program used to provide the customer with account information (see Buist Abstract; and col. 6, ll. 18+)

(10) Response to Argument

Claim 1 recites a system including a first data structure that, along with one or more associated links is “user-definable”. The Appellant submits that one of ordinary skill in the art would not interpret Kenna’s teaching of a database containing customer name, address and account information as a data structure having one or more links identifying one or more accounts where the data structure and links are user-definable. The Appellant also asserts that the secondary reference, Buist, does not teach any user-definable data structure or associated links. The

Examiner agrees with the Merriam-Webster definition of “user-definable” meaning as “able to be defined” or “able to be specified to have a particular function or operation.” However, it is maintained that “user-definable” is indefinite language because it suggests that the data structure has the potential to be defined by the user instead of the more definitive language of being “user-defined.”

It is also submitted that the appellant’s language of “...*wherein* the first data structure, along with one or more associated link, are user definable” recites a “wherein” which clause that makes optional the limitation.

It is maintained that references are selected as being reasonably pertinent to the problem of which the inventor was concerned in order to rely on the references as a basis of rejection. Upon the judgment of a person having ordinary skill in the art, it is maintained that Keena and Buist provide art that are considered with the Appellant’s field of endeavor of assisting financial service firms and representatives in the operation of their business by providing access to multiple accounts associated with a client. In particular, Kenna enables an individual to delineate short and long term assets into composite account with a single master account and a number of sub accounts linked within the composite account (see Kenna, column 3, lines 35-39). In regards to “user-definable” data structure, Kenna utilizes as a system thereof, for at least one sub account, a combination comprising a subscriber account entry means for selectively receiving subscriber parameters and creating an associated account database entry where each MSA sub account in the database includes information regarding the subscriber (see Kenna, column 4, lines 1-10). It is maintained that one of ordinary skill in the art at the time of the invention would recognize the subscriber account entry means for creating an associated account data base

suggest that the data structure (or database) is user-definable because it may receive subscriber parameters and creates an database that includes subscriber information. Thus the ability for the subscriber to make an entry into the database makes the database user definable. Thus the previous rejections using Kenna et al and Buist are maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel S. Felten', with a stylized, flowing script.

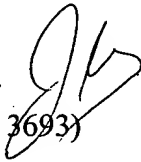
Daniel S. Felten

Conferencess:

Vincent Millin
(Appeals Practice Specialist)

A handwritten signature in black ink, appearing to read 'Vincent Millin', with a stylized, flowing script.

James Kramer
(SPE Art Unit 3693)

A handwritten signature in black ink, appearing to read 'James Kramer', with a stylized, flowing script.